

Application No.: 09/582,830

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Docket No.: 01313/100G310-US0

REMARKS

This submission is in response to the Official Action dated July 31, 2003. Applicants submit herewith a Petition for an extension of time with the appropriate fee. Claims 12-18 and 26 are pending and at issue.

Reconsideration of the above identified application, in view of the following remarks, is respectfully requested.

35 U.S.C. §103 Rejection

The Examiner has withdrawn the rejection of pending claims 12-18 and 26 under §103 as being unpatentable over Shore et al. in view of Gebhardt. The Examiner has interposed a new rejection of the same claims as unpatentable over Gebhardt in view of U.S. patent 5,052,995 to Focke et al. (Focke).

Gebhardt discloses the use of rotating drums with gripping devices as part of a mechanism to interlock separate bags. These gripping devices interfold bags so that each bag is interlocked with a preceding and succeeding bag in a staggered manner. This method of folding results in an effect similar to a box of tissues whereas as one tissue is removed the next pops out of the box. Gebhardt does not disclose that the bags are joined together in any way. The staggered folded bags do not form a continuous connected web, as required by the present claims. In the previous office action the Examiner contended that while "Gebhardt does not disclose that the bags are joined together in any way ... Shore's reference clearly discloses that the webs are joined together via web portions 18." Applicants pointed out in the last submission that while this is true, it is not relevant, as Shore shows connections 18 only between the side-by-side strips 16 (in the

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cross-direction) to provide a wide web including a plurality of connected strips 16. This deficiency is not cured by the substitution of the newly applied Focke reference.

The Examiner now contends that while 'Gebhardt does not disclose ... joining the ends of the webs together ... Focke discloses similar method of packaging a web with joining of ends of the webs together", and that therefore it would have been obvious to have "modified Gebhardt's method of packaging a web by having the step of joining ends of the webs together, as suggested by Focke, in order to run continuous web of material in a plurality of connected stacks." Applicants respectfully traverse this ground of rejection.

The Focke reference is directed to equipment for the handling of cardboard blanks and feeding the blanks to receiving equipment for creating packaging from the blanks. The blanks are made from a continuous web of material which is folded in a zig-zag manner to create a stack of folded blanks. However, as shown in Figs. 2 and 6 of Focke, as one stack of blanks is created, the web material is shifted to an adjacent position and another stack is formed. See 3:28-38. This process is continued until, in the example of Figs. 2 and 6, seven stacks are created, which are continuously connected, end to end. This method is limited to the creation of a single stack at a time. After creation of the stack, either the pallet supporting the stack or the mechanism supplying the folded web must be shifted in position to allow a subsequent stack to be formed. Even if a stack included a row of several connected blanks, the entire row would have to be fed into the packaging machine and separated and processed simultaneously.

Gebhardt discloses In contrast, the packaging method of the present invention permits the simultaneous formation of multiple, adjacent stacks of folded material from the rotary reel mechanism which permits simultaneous feeding, folding and stacking of the narrower adjacent webs of the slit web.

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Focke

After the multiple stacks of the adjacent narrower webs have been created, the ends of the narrower webs are joined "so that the two or more narrower webs form a continuous whole whose length corresponds to a combined lengths of the two or more narrower webs as required by the present claims." Applicants respectfully submit that the present claimed method of packaging a web is not at all "similar" as the method employed by the Focke machinery. The present method permits a narrower web (or blank) of a multi-stack package to be fed into a processing mechanism a single width at a time. This advantage is not possible with the Focke approach, which requires downstream separation of adjacent blanks. The Focke package is thus limited to either (1) supplying complex equipment which can separate and simultaneously process multiple adjacent blanks of material; or (2) a package of successive single blank width stacks formed one stack at a time, each joined continuously end to end. *connected via 23*

With the presently claimed method, on the other hand, as a stack of web material is depleted from the package, the end of that stack continues to draw material from the package from the end of another stack to which it had been joined. In this way, all of the stacks of a package may be paid out, a single narrower width web at a time, without the necessity of moving the supporting pallet or moving the receiving mechanism, and without requiring complex machinery for separating and processing the simultaneous feed of multiple blanks of material.

Applicants note that the Examiner has maintained the rejection of claims 13, 14 and 18, but has substituted reliance on Gebhardt for the previous reliance on Shore. However, the last paragraph on page 3 of the official action does not account for the amendments to the claims made in the amendment filed on November 1, 2002. In any event, the Focke reference does not disclose

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joining together a slit web as the Examiner contends, and certainly does not disclose or suggest joining the ends of adjacent webs, as Focke does not disclose any adjacent webs.

A person of ordinary skill in the art would not have combined the teachings of Gebhardt with the teachings of Focke to arrive at the presently claimed method. Neither of these references taken alone or in combination would have suggested the presently claimed invention to one of ordinary skill in the art. The Examiner has not found any such suggestion or motivation to combine any relevant teachings of these references to make the present obviousness rejection. Instead, the Examiner simply contends that the presently claimed method is "similar" to that of Focke. As demonstrated above, such a contention is unsupported by the cited references, and in fact is unfounded.

For the foregoing reasons, applicants respectfully submit that the rejections of claims 12-18 and 26 under §103 has been overcome and thus request that these rejections be withdrawn.

For the Examiner's information, applicants attach to this response a copy of European Patent 1 051 345 B1 which issued October 1, 2003 and which corresponds to the present application. The claims of the issued European patent closely track the language of the present pending claims.

CONCLUSION

In view of the above remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

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If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: February 2, 2004

Respectfully submitted,

By 

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